

UNION CITY COUNCIL MEETING
Monday, November 9, 2015 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

- 1. Call to Order, Pledge of Allegiance, & Roll Call:** Mayor Ken McCormack
- 2. Consent Agenda:**
 - a. Minutes from October 12, 2015 –City Council Work Session, pg 3-4
 - b. Minutes from October 12, 2015 – Regular Council Meeting, pg 5-9
 - c. Minutes from October 16, 2015 –Special City Council meeting, pg 10
 - d. Minutes from October 28, 2015 –Special City Council meeting, pg 11
 - e. Minutes from October 28, 2015 –City Council Work Session, pg 12-13
- 3. Interview candidates for city Council position**
- 4. Mayor Comment**
 - a. *"If I Were Mayor, I Would..."*
- 5. Public Comment**
- 6. Informational Items**
 - a. Sheriff's Office Report, pg16-18
 - b. Union Carnegie Public Report, pg 19
 - c. Office Manager Report, pg 20
 - d. Code Enforcement Officer
 - e. School Board Report
 - f. EMS Report
- 7. Administrator/Recorder Report**
 - a. Council training
 - b. Enforcement Officer
 - c. Code Book Update
 - d. Union County Sheriff Contract
 - e. UNION Contract
- 8. Public Works Director Report – Rod McKee, Public, pg 21-24**
- 9. Correspondence**
 - a. City County Insurance provider fiscal year numbers, pg
- 10. Action Items – Old Business**
 - a. First reading of Ordinance 548 an ordinance regulating loud and raucous noise – *council if you need another application please let me know*, pg 25-35
 - b. Second reading of Ordinance 549 an ordinance regulating solid and other wastes and odor, Pg 36-42
 - c. Tabled October 12, 2015. First reading of Ordinance 550 an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon, pg 43-44
- 11. Action Items – New Business**
 -  ~~a. Public Hearing on final plat approval for a minor partition by Sherry Schubert and Craig Droke, attached.~~

b. Auditor's recommendation to move bank reconciliations duties.

12. Public Comments

12. Council Concerns

13. Adjournment

If you have a disability that requires any special materials, services, or assistance, please contact us at 562-5197 so we may arrange appropriate accommodations. Copies of ordinances, resolutions, and all information included on the agenda are available prior to the meeting at City Hall, or at the meeting.

CITY COUNCIL WORK SESSION

Friday October 12, 2015 – 6:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

Called to order by Mayor McCormack with Councilors Sue Briggs, Matt Later, Coy Wilde, Doug Osburn and Randy Knoop and City Administrator Sandra Patterson.

1) Suggest appointing councilors to local organizations.

Mayor suggested assigning councilors to the different organizations in the community. Councilors would attend the organizations monthly meetings and report back to the city. This will help with communication.

Briggs stated the city council is already too busy. She suggested the organizations attend city council meetings? We can send them a letter inviting them to our meeting and share with them what we want to do.

Later – balancing time and life is difficult.

Osburn liked the idea of a letter and suggested they come to the city.

Wilde expressed concern with local groups telling the truth for example what was said during the meeting when the two representatives came from the Stockshow. They refused to even sit at the table with the city.

Knop expressed his availability to attend other group meetings and likes the idea of a formal letter.

Later – there needs to be more communication, how about reporting quarterly?

Patterson shared the groups with a star she already attends their monthly meetings plus the Chamber, CUP and EOLS for a total of 10 groups.

Briggs suggested also sending letter to VFW, Masons and Lions, which are not on the list provided by the Mayor.

Knop – there needs to be greater outreach.

Later – one letter might not work, need to do more than once.

Knop would like to see this continue as a discussion item.

Later volunteered to draft a letter to mail out to the local organizations.

2) Suggest appointing Councilors to districts in City of Union

Mayor suggested assigning council to sections in the community for each councilor to oversee. Councilors can interface with residents in their area.

Knop requested the section he resides in for enforcement. He clarified districts is not a proper term for this separation. Mayor agreed.

Wilde – Councilors are familiar with particular people and topics, what do you tell residents when they come to see you and they don't live in your section of town "*they have to go talk to another councilor because you're not in your area*".

Briggs – residents should feel free to call Councilors if they have a concern. Later is not sure how the average citizen will know who to talk to, with this set up. He is concerned with the administering of this policy.

Mayor shared he is just trying to get better communications with residents of Union.

Someone shared this is the council doing the staff's job. Staff does enforcement and if residents want to talk with a council person they can contact us.

Doug shared residents are intimidated, we have opened up city hall for citizens but they don't come. We just need to be open when people are ready to talk.

3) Any other topic of concern.

Osburn suggested the town hall meeting not be held on the same day as other big events in the county. It would be nice to have one calendar for the county. It was suggested to visit www.oregondata.or.

Wilde asked if all Councils phone numbers are available to staff? He reminded the Council everyone voted to make those numbers available. Council said yes all numbers are available. Patterson said yes she thinks they are all available.

4) ADJOURNMENT 6:55 pm

Approved: _____
Mayor, Ken McCormack

Attest: _____
Administrator/Recorder, Sandra Patterson

UNION CITY COUNCIL MEETING MINUTES

Monday, October 12, 2015 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

Call to Order, Pledge of Allegiance, & Roll Call: Mayor Ken McCormack called meeting to order at 7:01 p.m. Present were: Randy Knop, Doug Osburn, Mayor Ken McCormack, Matthew Later, Sue Briggs and Coy Wilde, Sandra Patterson City Administrator.

Consent Agenda:

- a. Minutes from September 14, 2015 –City Council Work Session, pg 3
- b. Minutes from September 14, 2015 – Regular Council Meeting, pg 5
- c. Approval of resignation letter from Councilor Bryan Russell, pg 62

Motion by Later to accept the consent agenda. (2nd by Briggs). The motion passed unanimously.

1. Mayor Comments

In the last month only one person has come to the Wednesday open forums. Anyone who wants an appointment can call city hall.

2. Appoint Student Councilor, pg 21-25

Mayor McCormack appointed Teara Howard as student council liaison. Patterson swore her in.

- 3. Audit Presentation** – Yvonne Roberts with Lewis, Poe, Moeller, Gunderson & Roberts, LLC. Roberts gave the presentation. There are two letters in the packet. The Significant Audit Findings letter is one that is required. There were no uncorrected postings. On pg. 2 there were no disagreements with management. The last part shows adjusting journal entries. Most were expected and routine. One was some budget entries that were made into the general ledger and were corrected. The other letter states responsibilities and deficiencies. On the second page are the budget entries that needed to be posted correctly. It was fixed as soon as it was caught. There was no evidence of the fee and fine policy for the library being followed. Internal controls: water and sewer rate adjustments weren't being reviewed and approved with a second pair of eyes. In the actual audit report on pages 1-2 the letter goes through responsibilities. No detail capitol records before 2006. The city used the modified cash basis of accounting. Pages 3-4 the government wide statements. Cash flow was very positive. No over-expenditures were in the budget. Internal control review (governmental audit) findings are on pg. 47-48. Analysis of revenue gives a better look at how the city is doing overall. Revenues have risen. The city gained more property tax revenue over the years. There are some ways to make sure segregation stays in place such as the bank reconciliation's be done by an outside party as it had been done in the past. This reduces fraud risk.

Randy Knop asked about the date on the letter and when was the audit delivered? Roberts said shortly after the date on the letter. Knop directed Patterson to give council the report earlier so they have time to review it and gather questions. He didn't have enough time to review the document and have his questions ready. Roberts said Council is welcome to call her at any time. Knop said you can plan on that, he will have questions.

Later asked if those three findings are being attended to. Patterson said reposted adjustments that are not getting reviewed currently are meter adjustments. For example when a meter is misread and adjusted. She is reviewing those monthly now. As for the library concern I have talked with the librarian and asked her to follow the policy. Patterson reminded Council the librarian is under the direction of the library board which is under the council.

4. Public Comment

Mike O'Connor, Arch Street. He was unaware of the work session this evening. The work sessions allow him to see and hear discussion and the direction that council is going. He suggests putting more emphasis on the work sessions so the public can listen and observe without the level of intimidation that is present at a council meeting. Districts are not a new idea...they are also called parishes, burrows, etc. and have elements within those models that might help in decision making. Building community is making a forum where ideas can come together.

5. Informational Items

- a. Sheriff's Office Report. A deputy gave the report. Later said he is happy to see the report more detailed, but still wants a better understanding of how many of the hours would have been spent if there were no contract with the sheriff department. The animal control report was also given verbally by the deputy.
- b. Union Library Public Report, pg 11.
- c. Office Manager Report, pg 12.
- d. Code Enforcement Officer (*2 parking tickets, no violation letters, 2 verbal: grass/parking*).
- e. School Board Report. None.
- f. EMS Report. Montgomery gave the report verbally. New EMS room is almost done and will hold all medical supplies and will be locked. The fire equipment room is done and is locked. They bought a 20' storage container with money donated to the fire department. They got new hoses. Engine 70 has been updated with 2015 equipment. Older hoses are being gone through and tested. B&K is going to do two cars for a class on extradition and cutting. Homecoming is coming up. The bonfire is on Thursday. The Fire department will build the fire and will be manned with two trucks. If the wind is blowing, it will be cancelled. Will be doing a fire prevention class in K-12 and will talk about calling 911, letting them play with the equipment and see the firemen. Halloween packets will be handed out as well. Montgomery handed out a breakdown on the wildfire numbers to the council. Knop asked about age limit for volunteers. They can join at age 16 in a cadet program and can get certified but can not be in the fall zone in an actual fire. Montgomery would have other requirements and rules as well. They can't be on a wild land or forest fire and Montgomery would not want them on a vehicle fire.

6. Administrator/Recorder Report.

- a. Historic Preservation Committee -- books are available for anyone as a reference for historic building.
- b. Small jobs for disadvantaged students. If city would be interested in doing some small jobs for the city. Someone would always be with the student. Gives them something to put on a resume. And it is a relationship builder between the school and city.
- c. The reader board. It is here. They thought the current pole would be okay but it isn't strong enough. They have to get a new pole and it has to be engineered.

- d. Main Street Conference. Patterson thought it was a historic conference. She did a social media relations course as media advertising. Utilizing Facebook as free advertising. Agri-tourism, rail to trail tourism. It was fun and different.
- d. The Employee handbook was sent to council via email. Does council want a work session or are they ready for adoption? It doesn't have the amendments from CCIS. Patterson said we need something in place now and changes could be up to another year. Briggs suggested adopting the handbook and then making amendments later. Knop has serious concerns with the handbook.
 - e. The five year financial forecast will be drafted. Patterson said she would really like to find time to do this.
 - f. Payroll audit is due to be done.
 - g. Welcome signs for the City of Union. Want to form a committee or are you ready? Mayor said a work session should be planned.
 - h. Website. Some links are missing. Let her know if you find one. Minutes and agendas will be on the website.
 - i. Code Enforcement Office. Taking applications this week and interviews next week. Job position is online.
 - j. Oregon Land Use Planning Guide. Any questions or concerns? Council had none.
 - k. The Codebook update. Get them in to Patterson and she will get them done and back to council.
 - l. Tree Committee meeting is Wednesday at 4 p.m. trying to get some trees planted before winter.
 - m. Town Hall meeting is Oct. 21, 1:00 p.m. regarding sewer plant planning. While it is not required for Council to attend it would be nice to see a few of you there.
 - n. Marijuana, Medical and Recreational regulations email has gone out. Questions, concerns? Does council want Patterson to do anything? Osburn – until the state makes some regulations, why should we do anything? McCormack – need to consider what the citizens want. Would there be enough people to support it. Knop - Next date where action has to occur is Dec. 24, 2015. Ban or not ban decision needs to be made. 55% of the city of Union voted against the measure. OLCC is projecting 2016 before their administrative rules will be created. Osburn proposes that we don't allow any permitting until OLCC sets up their guidelines. Wilde agreed. Knop – it would behoove the city to discuss this in depth. Already have interested parties who will be affected and should be allowed to weigh in. Patterson said she has had phone calls about people wanting to rent property to grow and sell their product. She doesn't know what to tell them so far. Knop asked that any work sessions be open to the public to make comments or ask questions. A work session will need to be planned for further discussion.
7. **Public Works Director Report** – Rod McKee, Public, pg 13. McKee was not present. Wilde stated the city rented his water truck and Wilde donated his time.
8. **Correspondence**
- a. Northeast Regional Bicycle Tourism Studio, pg 16.
 - b. CIS Safety Award letter, pg 17. Union received the gold award for 2014-2015 with zero incidents.
 - c. Local vanpool for local employer, pg 18. Patterson said they are trying really hard to make this program work. She encouraged the council to share the information with citizens.
 - d. Top liabilities for cities. Patterson shared this is to show which departments in a city are the higher risk.

9. Action Items – Old Business

- a. First reading of Ordinance 548 an ordinance regulating loud and raucous noise, pg 25. The first reading was made. Some corrections were made in wording. Discussion regarding decibel limits, power mowers and provision to what the noise entails. A work session will be planned for further discussion. Patterson clarified it will then have to be advertised and reread.
- b. First reading of Ordinance 549 an ordinance regulating solid and other wastes and odor, pg 32. Patterson said this is left in draft form so councilors can see what is being taken out. The first reading was made. Osburn questioned the waste and abatement issue. Patterson said we asked if we could have one section regarding abatement procedures. She will find the email where this was asked to see what the response was. Briggs said we employed by two attorneys and was passed without crossing out C and E they said it was unenforceable without those in. If it is unenforceable, we should not do it. We employed the lawyers so why would we not take their recommendations?
- c. Property at 502 E. Center Street, Union – consider for public right of way (*Bring confidential information from last month*). Patterson – I was asked to figure out what the cost would be if it was burnt and cleaned up. It would require removal of foundation and back fill of dirt. Our staff can do this with our equipment. It would be time and labor and used as a fill in job here and there when there is time. It would be fenced off during this time.
- d. Tabled September 14, 2015. Special use permit for alcoholic beverage use in City of Union Park, pg 46. Discussion was made regarding wording, responsible parties and OLCC requirements. Amendment to code will be needed.
- e. First reading of Ordinance 550 an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon, pg. 44. Knop is against the property being used as a pocket park. He wanted to know who's idea was it for the pocket park? Patterson said it was hers which she got from the recent adopted transportation plan/city goal 12. Knop asked if the property owners know of these four ideas. Patterson, not before tonight. She had not given them the proposed solutions as it is Councils decision what to do with the property not the home owners if council choose to vacate. Knop announced he had ex-par-ta contact with the property owner and visited the property. Patterson said for future land use applications don't visit property and defiantly don't have conversation with owner about the application. Knop told Patterson he will do whatever he wants when there is an application and if that means going on someone's property and talking to them then that is what he will do. Patterson commented not advised. Later asked city council who has read the planning guide? Briggs suggested the city choose B. The motion from the last meeting was re-read and discussion was made as to what was actually passed. The motion by Russell given at the last meeting was written in the minutes "to accept the application to grant the vacation of 12th Street". Mayor postponed this discussion to be continued at the next regular meeting of Nov. 9, 2015.

10. Action Items – New Business

- a. Consider applicant to Planning Commission, pg 48. Mayor appointed Jeremy Bronstein to the Planning Commission.
- b. Resolution 2015-17 a resolution directing City Administrator to apply with Infrastructure Finance Authority to finance wastewater treatment plant upgrades to meet regulatory requirements from Department of Environmental Quality, pg 53. Later said in our Union Charter Chapter 11 (done in 1974) to not exceed \$995,000. for said project. Is this overstepping our boundaries? Patterson said we are just seeking the funding. Briggs said in the last League of Oregon Cities' letter, there are so many lawsuits that this is

likely not going to fly and asked staff to look into the article. Patterson referring back to Later's question, she will double check the Charter and report back.

Motion by Osburn to pass and approve the city of Union Resolution 2015-17 a resolution directing City Administrator to apply with Infrastructure Finance Authority to finance wastewater treatment plant upgrades to meet regulatory requirements from Department of Environmental Quality (2nd by Knop). The motion passed unanimously.

11. Public Comments

Brenda Yonker 1233 W. Birch. Are packets available to public and where do we get them? Regarding the action item E vacating 12th Street. Osburn's impression was that they voted to vacate, not a motion to accept the application as was their impression. Patterson said they can't do a motion to vacate by motion without an ordinance. Knop disagrees since this was a Quasi Judicial Matter and advises that legal council should be sought. Yonker requested a copy of the minutes from the meeting of September.

Laura Haefer – questioned if Osburn and McCormack voted for the motion. Neither Osburn nor McCormack voted on this matter. Haefer stated that she is willing to pay for the property and have the money placed into the street fund as the option B in the Ordinance 550.

12. Council Concerns

Patterson handed out a new number to the back door.

13. Adjournment

The meeting was adjourned at 9:52 p.m.

Approved: _____ Attest: _____
Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

SPEICAL CITY COUNCIL MEETING MINUTES

Friday October 16, 2015 – 3:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

Roll call at 3:08 pm with Council President Doug Osburn, Matt Later, Coy Wilde and Sue Briggs by phone. Both Mayor McCormack and Randy Knop were excused.

1) Request from Mayor McCormack for a 3 month medical leave.

Osburn – is 1/8 of the mayor’s time and there is no guarantee he will return. It is clear how many meetings we all have to attend.

Wilde – McCormack has been attending all the meetings, which there have been a lot.

Later suggested Council give him 2 months as laid out in the Charter.

Briggs – he was appointed to fill the term so he should resign and then he run again next year. There are too many obligations not to ask another Councilor to fill the position. Leaving a position open leaves more work for others.

Later motioned to not except proposal and ask McCormack to resign and wait for reappointment (2nd Wilde). Vote passed 3/0.

2) ADJOURNMENT 3:18 p.m.

Approved: _____ Attest: _____
Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

SPEICAL CITY COUNCIL MEETING MINUTES
Wednesday 28, 2015 – 6:00 P.M.
LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

1. **Call to Order, Pledge of Allegiance, & Roll Call:** by Mayor Ken McCormack at 6 pm Randy Knop, Doug Osburn, Matt Later and Coy Wilde. Sue Briggs was excused. City Administrator Sandra Patterson and Public Works Director Rod McKee.
2. Executive session permitted on certain matters: 192.660 (2) The governing body of a public body may hold an executive session: (b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

Mayor McCormack read the above executive session into the record and adjourned the meeting at 6:02 pm.

Council returned at 7:37 pm with the following Councilors Randy Knop, Doug Osburn, Matt Later and Coy Wilde and Mayor McCormack and City Administrator Sandra Patterson and Public Works Director Rod McKee.

No decisions were made, City Administrator Sandra Patterson will handle the issue.

3. ADJOURNMENT 7:38 pm

Approved: _____ Attest: _____
Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

CITY COUNCIL WORK SESSION MEETING MINUTES

Wednesday 28, 2015 – following special council meeting at 6 pm
LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

1. **Called to order by** Mayor Ken McCormack at 7:39 pm Randy Knop, Doug Osburn, Matt Later and Coy Wilde. Sue Briggs was excused. City Administrator Sandra Patterson and Public Works Director Rod McKee.
1. Ordinance 548 an ordinance regulating loud and raucous noise and odor. Change definition "Plainly Audible" to "Loud and Raucous Noise" Council requested to have time frames changed to 7 am to 9 pm for everything. Also remove anything that requires a permit. City does not require a permit. In section 7. Exemptions add *l. yard care and maintenance and equipment.*

2. Marijuana topic

Osburn felt he can't stop someone from making a living. Doesn't want to tell someone they can't do that. It's against our constitution to stop someone.

Knop reported LOCC hasn't establish regulations. Need better understand to know we are working with.

Wilde felt using land use laws is a great way to regulate.

Later felt it wasn't his place to tell property owners what they can and can't do but when it affects another property owner maybe there should be regulations in place to regulate.

Mike O'conner Union, Oregon; shared when there is no place to purchase the product safely it creates a black market for the product.

Osburn shared a story about his daughter who likes to smoke a little weed. She can either purchase it at someone's back door or at a State regulated shop. He said he would prefer the shop.

Mike O'conner also shared if people can purchase it locally they will grow it at home which makes it easier for kids to get a hold of.

Patterson shared the wholesalers, growers, retailers are going to come. They are already calling. We are in a good position to create some regulations to put these facilities where it best fits our community. They are coming and we will have problems. We should try and control before they get here.

Knop and Osburn said they don't want to do anything. Later would like to hear more from the public and so would Wilde and McCormack.

Patterson shared she advertised this meeting in three locations, paper, radio, facebook.

3. New welcome signs

Later asked if it would be ok for a cub scout to build a couple new signs for the city. Council was ok with it. Patterson offered to purchase the materials.

4. Records request

Mayor expressed records request take time from staff and if it continues other options will need to be looked.

5. Recommendations for reaching out to the community
Later suggested community meetings.

6. Any other topics that might come up.
Patterson stated a draft copy of the employee handbook is available if Council needs a copy for proof reading.

Patterson said she'd been working with Commissioner Howard and Biz Oregon finding a way to do a census income recount of Union. What this means is if Union can prove we prove we are at a difference income level than what the census shows Union can qualify for the State Block Grant. The Block Grant is 100% funded chunk of money which can be used for a community center which can house a food bank, senior means and so on. The cost for this recount is \$500-\$800. Portland State University has to do the recount. *City Council liked the idea and asked Patterson to keep looking into it.*

7. ADJOURNMENT

Approved: _____
Mayor, Ken McCormack

Attest: _____
Administrator/Recorder, Sandra Patterson

Union Activities –October 2015

The Union County Deputies contributed hours to the total for the month. The statistics reflect the activities for the Sheriff's Office.

The following will show the activity done by Sheriff's Deputies:

HOURS	145.5
CRIMINAL CITATIONS	0
TRAFFIC CITATIONS	0
WARNINGS	11
ARRESTS	2
CALLS FOR SERVICE	23
FI'S	1
WALK-INS	0
REPORTS	8
TOWS/IMPOUNDS	0
OTHER	15

The above hours were allocated as follows:

PATROL	58%	TRAFFIC ENFORCEMENT	10%
REPORTS	10%	INVESTIGATIONS	22%

Activities include:

Routine patrol including foot patrol, school patrol, and traffic patrol
Halloween presentation at the grade school
Assistance with school Halloween parade
Arrested one subject for DUII
Investigate possible house arrest violation
Provided assistance to an elderly man that walked away from adult foster home
Responded to a report of Harassment
Provided traffic control for an electrical wire down, and standby for OTEC
Responded to report of Trespass
Issued 2 warnings for speeding, and 1 warning for U-turn in school zone
Report of possible harassment at Union High School between students, unfounded
Responded to report of domestic disturbance x 2
Arrested one subject on a Parole & Probation violation
Responded to report of Direct TV men harassing citizens, warned them to stop
Took report of Theft of a Firearm
Two calls for service for reports of suspicious door-to-door salesman
Responded to a report of criminal mischief to a shop window
Telephonic Harassment report, with follow-up calls x 2
Responded to a call of a deer struck by a vehicle

Approached by bus driver to inform of a company vehicle passing the school bus at high rate of speed, called company to inform of situation
Responded to a report of Child Sex Abuse, and follow up
Drug related Child Welfare Check reported to DHS
Call for Fireworks
Report of disturbance at the Union Hotel, two people trespassed from hotel
Assist DHS for possible drug crimes
Investigate report of possible stalking
Issued a warning for no tail lights
Report of stolen chainsaw
Responded to report of Trespassing, explained options to victim
Stake-out for a subject causing problems for a resident

Union 2014	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	6.5		10.5	2	13.5	2.5	3.5	8		3.5		
2	3.5		4.5	5.5	5	7	3.5	2	3	6.5		
3	12	0.5	7	3.5	7.25	5	1.5	3	3.5	6.5		
4	6	2	8	14	9	2.25	1.5		2.5	2		
5	4.5	2	4.5	2.25	2	3.5	3.5	6.5	3.5	5.5		
6	5		11		3.5	15.5	3.5	6	5	3		
7	1		6.5	4		2	7.25	12.5	6	3.5		
8	3.5	6	8.5	6.5	2.5	3	0.5	6.25	4.5	2		
9	1.5	3	2.5	9	5	2.5	4.25	2.75	5	8.75		
10	5.5	1.25	6		1.5	2	10.25	2	9	6		
11	11.75	3		6	2.5	4.5	5.25	4	3.5	5		
12	8.25	3			5	22		5.25	7	3.5		
13	3	17	2	6.5	4	8.5	10	4.5	7	5.0		
14	1.5	4	3.25	3	1	8	8	1	3	7.5		
15	1.5	10	10	2.25		1		2		5.5		
16	10	1.25	6	17	1	7	1	5	7	9.5		
17	2	11.5	2	3	4.5	13	1.5	2	10	4.5		
18	1	9			1.5	4.5	1.5	4.5		5		
19	4		1.5	0.5	5.5	6		5.5	2	4		
20	1	17	7		6.5	11	2.5	2.5	1.5	1		
21	2	4.5	5	10	1.5	1	9.5	3	2	4		
22		11	6		5	15.75	3	4.5	4	9		
23	3	6.5	3	2	20.5	1.5		9.5	13.25	2.5		
24	3	4	2.5	1	19.5	3	0.5	7.5	10.75			
25	5.5	3	14	3	7	2.5	9.5	1	11.5			
26	6	6.5		6.5	5	3	20.5	7.5	2	7.5		
27	6.5	14		9	6		13	10	8	3		
28		2	12	11	0.75		9	10	6	10		
29	9.5			14	3.5	2.5	2.25	5.5	10.5	10.75		
30	11.5			14	2.5	1.5	3.75	5	7			
31	9.5		2				8.5			1		
Total	149.5	142	145.25	155.5	152	161.5	148.5	148.75	158	145.5	0	0

138	138	138	138	138	138	138	138	138	138	138	138	138
over/short	11.50	4.00	7.25	17.50	14.00	23.50	10.50	10.75	20.00	7.50	(138.00)	(138.00)

Union Animal Enforcement Hours –October 2015

Animal Enforcement officers Lani Jones and Kati Heath contributed hours to the total for the month. These hours only reflect animal control activities.

The following will show the activities in Union by the Union County Sheriff's Animal Enforcement:

HOURS: 11

Calls for Service: 5

Dog at large: 1

Citations:

Warnings:

Impounds:

Other Action:

Dog Bites: 0

Barking Dog: 1

Citations:

Warnings:

Impounds:

Other Actions:

Animal Abuse/Neglect: 3

Other: 2

Activities Included:

Responded to report of barking and possibly neglected dog. Contacted owner and discussed options

Investigate report of possible horse being shot, with follow up

Contact made on report of citizen shooting cats, unfounded

Border Collie at large & menacing other dogs, followed home, secured in yard, and left notice for owner

Welfare check done on report of dogs without shelter & bedding. Owner contacted and warned for violation of County Ordinance & ORS violation for minimum care. Advised to correct, and will check back for compliance

General Patrol with stops from citizens

**September 2015 Report
Union Carnegie Public Library
Union, Oregon**

STATISTICS

Patron Count.....	1111
Circulation Count.....	1795
Adult.....	1109
Children.....	686
Audios.....	97
Videos.....	410
Music CD's.....	17
Materials Added to the Collection.....	62
Materials Discarded from the Collection.....	0
Reference Questions	27
Volunteer Hours.....	84.25
Programs for Children &/or Adults.....	15
Participants.....	134
Computer usage.....	476.5 hrs.
New Patrons.....	14
ILL Requests.....	130

Events and Additions

- **Estimated wireless computer use for this month: 1373.0 hours.**
- **Tuesday storytime at 10 A.M.**
- **State Statistical Report submitted.**
- **Talked with a few Union Elementary School teachers about using the Library as an additional resource.**
- **Had to have the air-conditioning unit fuse replaced.**

Coming in October

- **Focus on Children and Young Adults Institute survey.**
- **Proctoring.**
- **Arlene Weible from the State Library will be in the area talking about the Statewide Database Licensing Program.**
- **Halloween project.**
- **Cataloging.**

“This is a good day to have a good day.” -anonymous

Office Manager
Water/Sewer Monthly Report
September 2015

- For the month of September we had a total of 3 new accounts set up.
- All of these new accounts with a set up fee @ \$50.00 each = **\$150.00**
- There was 3 regular turn off(s), @ \$16.00 charge = **\$48.00**
- There was 1 regular turn on(s), @ \$16.00 charge = **\$16.00**
- We had a total of 29 delinquent notices delivered @ \$10.00 = **\$290.00**
- Of those notices we had 5 delinquent turn off(s) @ \$16.00 = **\$80.00**
- Of the delinquent turn off(s) we had 4 turned on @ \$16.00 = **\$64.00**
- 1 delinquent turn on After Hours @ \$90.00 = **\$90.00**
- We had a total of 77 accounts received a \$25.00 late charge = **\$1925.00**
- 1 Leak Adjustments for a total of **\$193.63**
- There was no billing for septic dumping for September
- There was no billing for Lab's for September

Municipal Court Report

- A total of **\$133.45** was paid on citations in September
- A total of 2 citations issued; 0 City Citation, 2 County Citations

The next court date will be December 3rd, 2015 at 11:30am



Risk Management Plan

Fiscal Year: 2015-2016

Entity Name: City of Union
 Mailing Address: PO Box 529
 Physical Address: 342 S Main
 City / State / Zip: Union, OR 97883
 Phone: 541-562-5197
 Fax: 541-562-5196
 Website: <http://www.cityofunion.com/>
 Employee Count: 8

Developed: 10/28/2015
 Modified: 10/28/2015
 Next Review: 12/12/2015

Risk Management Consultant:
 Lisa Masters

Risk Management Coordinator(s):
 Sandra Patterson

Policy Information			
Line of Coverage	Premium	Agency	Agent
Property/Liability Coverage			
Auto Liability	\$5,295.34	Rhodes Insurance Agency	Art Rhodes
Auto Physical Damage	\$6,003.51	Rhodes Insurance Agency	Art Rhodes
General Liability	\$16,431.03	Rhodes Insurance Agency	Art Rhodes
Property	\$13,088.94	Rhodes Insurance Agency	Art Rhodes
Workers' Compensation	\$10,150.26	Rhodes Insurance Agency	Art Rhodes
Excess Crime	\$542.00		
Excess Earthquake	<i>Not Purchased</i>		
Excess Flood	<i>Not Purchased</i>		
Excess Cyber Liability	\$2,408.00		
Benefits Coverage			
Medical	<i>Not Purchased</i>		
Dental	<i>Not Purchased</i>		
Life	<i>Not Purchased</i>		

Note: Premium totals reflect applicable credit(s).

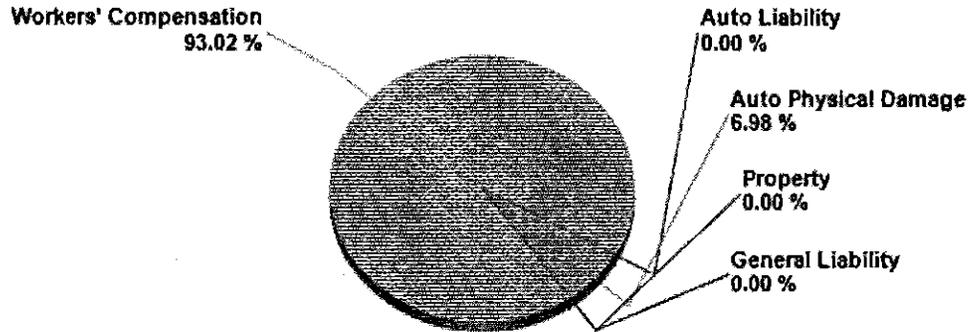
Employer Contacts
Sandra Patterson - City Manager

Claims Information

The following table contains 5 years of claims history and Loss Ratios by line of coverage from 2009-2010 through 2013-2014. The overall loss ratio of 1% is lower than the target loss ratio of 30%.

Line of Coverage (Years w/ Coverage)	Number of Claims	Losses	Average Cost per Claim	Percentage of Losses	Loss Ratio
Auto Liability (5 years)	0	\$0.00	\$0.00	0%	0%
Auto Physical Damage (5 years)	2	\$212.31	\$106.16	7%	1%
General Liability (5 years)	1	\$0.00	\$0.00	0%	0%
Property (5 years)	0	\$0.00	\$0.00	0%	0%
Workers' Compensation (5 years)	38	\$2,828.49	\$74.43	93%	6%
Overall Loss Ratio	41	\$3,040.80	\$74.17	100%	1%

Percentage of Losses



Best Practices Review

The overall score on the last Best Practices survey (3/30/2015) was 76%. The following recommendations organized by risk category were taken directly from the survey where answers did not score the most possible points. Additionally, the following unique risks were identified:

Category			
Goals	By Whom (list partners)	By When	Recommendation
Elected Officials			
Have all of your elected officials attend the LOC or AOC government ethics and Oregon training.	Sandra Patterson	12/12/15	For class information and class schedules, please contact LOC or find information at http://www.orcities.org/Training/LeagueTraining/tabid/6710/language/en-US/Default.aspx .
Have all of your public officials taken the LOC or AOC or similar Elected Essentials Training.	Sandra Patterson	12/12/15	Request that all of your public officials take the LOC or AOC elected essentials training. For class schedules, please contact LOC or find information at http://www.orcities.org/Training/LeagueTraining/tabid/6710/language/en-US/Default.aspx .
Have all of your public officials take the CIS Governing 101 class online.	Sandra Patterson	12/12/15	Ensure your entity makes available to all public officials CIS governing 101 class. This training can be found on our online learning center at http://learn.cisoregon.org/ .
Emergency Management			
Ensure your entity has populated the recommended data on the agility recovery website.	Sandra Patterson	12/12/15	The link to the Agility Recovery website is located on our CIS website on our Risk Management drop-down menu under "Emergency Management/Recovery" at https://www.cisoregon.org/webportal/services/emergencymgmt.aspx .
Employee Training			
Have all non-supervisory staff trained at least annually on anti-harassment and discrimination policies.	Sandra Patterson	12/12/15	Utilize CIS on-site and online training opportunities. Find future training opportunities or links to the online learning center training at http://learn.cisoregon.org/ .
Fleet Safety			
Ensure that the majority of employees who drive for your entity take a driving safety course at least every three years.	Sandra Patterson	12/12/15	Drivers reduce their risk of accident approximately 30% in the year and a half following their participation and safe driving course. Repeat that training at least every three years. Find future training opportunities or links to the online learning center training at http://learn.cisoregon.org/ .
Information Technology			
Implement a Red Flag and Oregon Consumer Identity Theft Protection Act policy	Sandra Patterson	12/12/15	Review and follow Oregon consumer protection act policy information. Sample tools and language are available at : http://www.cbs.state.or.us/dfcs/id_theft.html
Land Use and Planning			
Review new legislation affecting land-use laws after	Sandra Patterson	12/12/15	Designate a responsible person to review new legislation affecting land-use and determine whether that legislation requires a change in your code, comprehensive plan or procedures.

each legislative session.			
Water and Sewer Lines			
Ensure your city has a written inspection and maintenance program.	Sandra Patterson	Complete	Develop a written maintenance and inspection program for all sewer lines and facilities and tracks all maintenance and inspection activities pursuant to that schedule.

Other goals: Update employee handbook
Street light maintenance program

ORDINANCE NO. 549

AN ORDINANCE REGULATING SOLID AND OTHER WASTES

The City of Union does ordain as follows:

§ 97.01 CODIFICATION

This ordinance shall be codified as Chapter 97 of the City of Union Code. The section numbers stated at the beginning of each of the provisions of this ordinance shall be the numbering used for its codification.

§97.02 GENERAL PROVISIONS.

A. Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Waste" means:

a. Matter or material that is: (a) hazardous to health and safety of the public;

b. Organic materials that can decompose, giving rise to foul smelling products, or creating a health hazard, or which are capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors;

d. Materials and matter accumulated on property so as to constitute a public nuisance recognized by common law.

(2) The phrase "person in charge of property", "person in charge of the subject property", or other similar phrase, means any one or more than one occupant, lessee, contract purchaser, owner, or person having possession of, control of, occupancy at, or title to, the subject property.

(3) "City official" means any designee of the City Council and city officer, agent, or employee, acting in the course of official duties for purposes of the enforcement of this Chapter.

(4) "Person" means any natural person, firm, partnership, association, legal entity, or corporation.

B. Exceptions.

(1) This Chapter does not apply to materials or items that might otherwise constitute waste if such is kept and maintained in a business licensed as a junk yard or automobile wrecking yard which is operating in accordance with all applicable rules and regulations, including zoning laws, or to items or materials accumulated for recycle in a recycling business operating as such and in accordance with all applicable rules and regulations, including zoning laws. To be exempted by this paragraph, such items and materials must be enclosed by a secure fence that is no less than six feet tall and is so sight obscuring as to prevent a person from seeing into the enclosed area from other property or from a right of way or sidewalk, and such items and materials must be stored in a fashion that does not otherwise constitute a nuisance at common law.

(2) This Chapter does not apply to the accumulation of fire wood, nor does it apply to the accumulation of construction materials at the location of properly permitted construction work when the stored materials are exclusively for use at the site.

§97.03 ACCUMULATION AND STOCKPILING PROHIBITED; DECLARATION OF PUBLIC NUISANCE.

A. No person shall deposit, accumulate, store, maintain, allow to exist, or display waste on any property within the City of Union, except as specifically permitted by this Chapter or as otherwise authorized by law.

B. No person or occupant of any land in the City of Union shall authorize, permit or suffer violation of any provision of this Chapter.

C. Exceptions. The prohibitions of this chapter do not apply to the following:

(1) The temporary accumulation of limited quantities of waste in standard garbage or recycling collection receptacles provided for that purpose pending disposal or recycling in a legal manner, providing that the waste does not create offensive odors, unsightly conditions, or hazards to health.

(2) The accumulation and distribution of compost, silage, or livestock manure in conjunction with normal crop or animal husbandry

activities, so long as such activity is in compliance with all applicable zoning regulations, does not physically encroach upon the land of another, violates no statutes, rules, regulations, or ordinances of the Department of Environmental Quality or the City of Union, and is conducted in a reasonable manner so as to minimize any offensive odor, unsightly condition, or hazard to health.

D. The accumulation and storage of waste is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare of the inhabitants of the City. Therefore, the presence of waste on private property in violation of this Chapter is hereby declared to constitute a public nuisance which may be abated in accordance with provisions of this Chapter.

E. Nothing stated within this Chapter shall be construed to allow the accumulation or stockpiling of any waste prohibited by any other ordinance or regulation of the City or by any land use regulations or any other applicable laws, or to declare any non-commercial accumulation or stockpiling of waste as commercial, or to override provisions of any ordinance of the City regarding home occupations, or commercial endeavors relating to the storage and accumulation of commercial products. Nothing stated in this Chapter shall be construed as authorizing any activity which at common law would constitute a public or private nuisance nor as legislatively amending or changing common law nuisance principles.

§97.04 INVESTIGATION.

When a city official has determined that a violation of this Chapter exists on property which should be abated, the official shall:

A. Attempt to discover the name and address of the owner and occupant of the property, the person responsible for the accumulation or deposit of the waste, and all persons who may be in charge of the real property on which the violation exists as such persons are defined in § 97.02.A(2); and

B. Give written notice to the persons described in Subsection A of this section by regular first class mail and registered or certified mail requiring a return receipt that there is a violation of this Chapter. If the owner or occupant of the property is not found, the city official shall place a notice posted on the property where it can easily be seen.

C. Contents of notice. The notice referred to in the preceding paragraph shall contain:

(1) A description of the real property by street address or otherwise, on which the violation exists,

(2) A direction to abate the violation within no less than fifteen days from the date of the notice,

(3) A description of the violation,

(4) A statement that unless the violation is abated, the City may enter, abate the violation, and charge the costs of abatement to the person responsible and/or impose a lien against the real property on which the violation was abated,

(5) A statement that failure to abate the violation within the time provided may warrant imposition of a fine.

(6) A statement that the alternative to compliance with the notice is to make a written request within 15 calendar days of the date of the notice for a hearing before the City Council to show why abatement should not be required or why more time for abatement may be needed. This statement shall list the required contents of the request for hearing that are set forth in § 97.06.

(7) A statement that if there is no request for a hearing before the City Council within 15 calendar days of the date of the notice, the determination as set forth in the notice shall be final with no right to further protest or otherwise appeal.

D. Upon completion of posting and mailing, the persons posting and mailing shall execute and file certificates with the City Council stating the date and place of the mailing and posting.

§97.05 ENTRY ON PRIVATE PROPERTY.

Upon compliance with all applicable procedures, City officials are authorized to enter onto private property at all reasonable times to examine items and materials reasonably suspected to constitute wastes in violation of this Chapter and following the procedures set forth to take steps necessary to abate violations hereof.

§97.06 FORM OF REQUEST FOR HEARING.

A. Any person entitled to service of a notice under this Chapter may within 15 calendar days of the date of the notice file a request for hearing before the City Council. The request need not be in any particular form but shall include the following:

(1) The name of the person requesting a hearing and all other persons joining in the request.

(2) A brief statement setting forth the legal interest of each of the persons requesting the hearing.

(3) A brief statement in ordinary and concise language of the specific order or action protested.

(4) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

(5) The signatures of all the parties requesting a hearing and their official mailing addresses.

(6) A statement by declaration under penalty of perjury that all of the matters stated within the request for hearing are true.

B. Normally a late request for a hearing before the City Council will not be considered. However, in unusual circumstances the City Council may excuse an untimely request if the requesting party provides information excusing a lack of timely response by certifying the date of actual notice to the requesting party and accounting for all delay between the day of actual notice and the day of delivering the request for hearing to the City Council. General press of personal business shall not excuse an untimely request.

§97.07 HEARING BEFORE CITY COUNCIL OR HEARING EXAMINER.

A. Following a request for a hearing, the City Council shall itself or through a hearing examiner provide a hearing for the requesting party to show cause why a violation does not exist, or why the violation should not be abated within the time provided, and to receive evidence and the testimony of the city official and other interested persons, or other witnesses, concerning the existence, location, and condition of the alleged violation.

(1) After the hearing, the City Council may order the property a nuisance in violation of this Chapter and direct that the violation be abated by the person responsible, and/or by other person or

persons in charge of the property, and/or by the City in accordance with the provisions of this Chapter.

(5) If the hearing was referred to a hearing examiner by the City Council, the hearing examiner and the City Council shall proceed in the fashion provided for in § 98.10.H of the City of Union Code, relating to dangerous building.

B. Persons entitled to the notice specified in § 97.04.A shall be sent copies of the order in the manner provided for in that section.

C. The City Council may impose conditions and take other actions considered appropriate under the circumstances to carry out the purposes of this Chapter. The City Council may delay the time for abatement of the nuisance when, in the council's opinion, circumstances justify such action. The City Council shall refuse to order abatement of the violation when the property, in the opinion of the City Council, is not subject to the provisions of this Chapter. The City Council shall not be bound by technical rules of evidence in conducting the hearing.

D. Nothing stated in this Chapter shall prevent the City Council from entering into a consent agreement with the person or persons responsible, or person or persons in charge of property, that provides for the manner and means of abatement other than as provided for herein, provided that the consent agreement is in the form of a final contract enforceable in a court of law or equity and the contract specifically waives any right of the person contracting with the City Council to contest whether a violation of this Chapter exists or existed or whether the condition of the subject property constitutes a nuisance.

§97.08 ABATEMENT BY THE CITY.

A. The City may abate the violation, or cause the violation to be abated, when:

(1) The terms of any consent agreement between the City and the person responsible or person in charge of property so provide, or when the terms of a consent agreement have been violated by the person or persons signing the consent agreement; or

(2) The person responsible has been mailed the notice required by §97.04, and the violation stated within the notice has not been abated within the time provided in the notice and no hearing has been requested; or

(3) Following hearing the corrective action required by the City Council has not been completed by the date specified; or

(4) There have been court proceedings which have become final, resulting in an order by the court directing abatement, and abatement has not been completed within the time required by the court's order.

B. The decision to proceed to abatement by the City shall be made by the City Council.

C. Summary abatement. Whenever a violation causes a condition the continued existence of which constitutes an immediate or emergent threat to the public health, safety, or welfare, or to the environment, the City may summarily and without prior notice, abate the condition. Notice of such abatement, including the reason for it, shall be given to the person or persons responsible for the violation as soon as reasonably possible. The costs of summary abatement shall be charged to the person responsible and become a lien upon the property in accordance with the provisions of this Chapter applicable to costs of non-summary abatements.

D. When the City proceeds to abate as provided for herein it may do so using any lawful means, the City or its agents may enter upon the subject property and may remove or correct a violation which has become the proper subject of abatement. The City may also seek such judicial process as it deems necessary to effect the abatement.

E. Interference prohibited. No person shall obstruct, impede, or interfere with the City or its agents, or with any person retained or hired by the City to effect the abatement, or with any person who is a person in charge of the property, in performing any acts necessary to correct a violation.

F. The City shall maintain a record of all expenses incurred in abating a waste violation. The record shall include, but is not necessarily limited to, the costs of mailing notices, the expense of title reports, title searches, and lien searches, charges for labor and personal services, equipment rentals, the costs of contractors, materials expense, fuel costs, survey expenses, reasonable charge for use of City-owned equipment, land fill fees, the costs of transportation, etc., and an additional charge of 15 percent for administrative overhead.

G. A notice of assessment for the costs of abatement shall be sent by certified mail with return receipt to the responsible party

or parties and those entitled to receive the notice provided for in § 97.04 hereof. The notice shall contain:

(1) The total costs of abatement, including the administrative overhead;

(2) A statement that the costs of abatement are the personal obligation of the person in charge of the subject property and will become a lien against the property unless paid within sixty days;

(3) A statement that if person in charge of the property objects to the cost of the abatement, he or she may file a notice of objection with the City within 15 days of the date of the notice; and

(4) A statement that a fee for recording the costs of abatement as a lien against the property may be added to the cost of abatement.

H. Objections to the proposed assessment shall be heard and determined by the City Council before the proposed assessment becomes a lien against the property.

I. If the costs of the abatement are not paid within sixty days from the date of the notice of costs, or if an objection was timely filed, from the date of the City's determination of costs, the costs of abatement shall be filed and recorded as a lien upon the property and shall be entered into the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the violation was abated.

§97.09 LIEN OF ASSESSMENT.

A. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be liens against the lots or parcels of land assessed, respectively. The lien shall continue until the assessment and all interest due and payable thereon are paid.

B. All such personal obligations and assessments remaining unpaid after thirty days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 9 percent per annum from and after said date.

C. The lien may be enforced, collected upon and foreclosed in accordance with the provisions of ORS 223.505 through 223.650 and by suit in equity or at law in circuit court.

§97.10 JUDICIAL REVIEW AND ENFORCEMENT.

A. Judicial Review.

(1) Any person aggrieved by a final decision of the City Council may appeal to the Circuit Court of the State of Oregon for Union County for judicial review of the City Council's decision. The appeal shall be filed within thirty days from the effective date of the decision. The failure of any person to file a request for judicial review in accordance with the provisions of this Chapter, and within the thirty days required, shall constitute a waiver of the right to judicial review, and the decision of the City Council shall then be final. There shall be no right to judicial review if the person appealing did not timely seek a hearing before the City Council, or receive from the City Council an order excusing the late request, and then thereafter pursue to conclusion the hearing and then timely seek an appeal.

(2) On judicial review to Circuit Court, all rules governing the form of pleadings, procedures, the taking of evidence, and such other matters as may affect the proceeding shall be governed by the Oregon Rules of Civil Procedure, the Oregon Evidence Code, and such other rules and laws applicable to proceedings in circuit court and/or as directed by the judge presiding over the proceedings.

(3) Unless the violation is one subject to summary abatement, all abatement activities shall be stayed during the course of the appeal.

B. Judicial Enforcement.

(1) At the election of the City Council, the City may dispense with the notice and hearing procedures set forth above, and in lieu thereof enforce this Chapter by a civil action initiated by the City Attorney or special counsel in any court of competent jurisdiction, including the Circuit Court of the State of Oregon for Union County. Prior to the initiation of such suit the person or persons in charge of the property shall be sent a notice which contains:

a. A description of the real property by street address or otherwise, on which the violation exists,

b. A direction to abate the violation within no less than fifteen days from the date of the notice,

c. A description of the violation,

d. A statement that unless the violation is abated within the stated time or within the time of any extension granted by the City,

the City will initiate legal action to enforce the terms of the City's solid waste ordinance, and

e. A statement that failure to abate the violation within the time provided may warrant imposition of a fine.

(2) Upon completion of mailing, the persons doing so shall execute and maintain in the City's records certificates stating the date and place of the mailing and posting.

(3) If an enforcement proceeding is initiated using the notice provisions of § 97.04, the City Council may at any time terminate such proceedings and direct the City Attorney or special counsel to file legal action, in which case the notice provided for in § 97.10.B(1) shall not be required. Instead the persons in charge of the subject property shall be advised by first class letter that the pending proceedings before the City Council are terminated and that the City Attorney or special counsel as the case may be has been directed to file suit to enforce this Chapter.

(4) In any legal action, the Court shall have the authority to award to the City all remedies that are provided for in this Chapter including, but not limited to, directing the defendants to abate the nuisance, imposing fines as set by generally set by the City Council against the defendants payable to the City, and granting the City the right to proceed with abatement and to charge the defendants with the cost thereof and to have such costs be a lien against the subject property. The Court shall also have the authority to allow for any other remedy available at law or in equity, including, but not limited to, injunctive relief.

(5) In any legal action, all rules governing the form of pleadings, procedures, the taking of evidence, and such other matters as may affect the proceeding shall be governed by the Oregon Rules of Civil Procedure, the Oregon Evidence Code, and such other rules and laws applicable to proceedings in Circuit Court and/or as directed by the judge presiding over the proceedings.

§97.11 JOINT AND SEVERAL RESPONSIBILITY

If more than one person is a person responsible or liable under any provision of this Chapter, they shall be jointly and severally liable.

§97.12 PENALTY

A. A person violating a provision of this Chapter or an order issued under authority of this Chapter shall, upon conviction, be guilty of a violation punishable by a fine set by the Union City Council by resolution. Such a person shall also be subject to any civil remedies available to the City as set forth in this Chapter or as otherwise provided for by law.

B. Each day's violation of a provision of this Chapter or of an order issued under authority of this Chapter constitutes a separate violation. The abatement of a nuisance is not a penalty for violating this Chapter, but instead is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten days of the date of notice to abate, or if a protest or appeal has been filed pursuant to the terms of this Chapter, the abatement within ten days of the disposition of the protest or appeal if a nuisance is found to exist, will excuse the person responsible from the imposition of any fine.

C. The City Council may, in its discretion, suspend, cancel, or delay the imposition of fines provided for by this Chapter. Also, at the City Council's discretion, fines may be suspended or otherwise abated during the period during which the rights of review provided for herein are properly exercised; in exercising the discretion provided for in this sentence, the City Council shall consider the degree to which the review sought has been frivolous as well as other factors considered relevant in the Council's judgment.

D. The statement of a penalty within this Chapter is not preclusive, and shall not prevent the imposition of other penalties or remedies that may be available to the City under any other ordinance, statute, regulation, law, or resolution.

Passed by the council and approved by the mayor this _____ day of November 9, 2014.

CITY OF UNION

By _____
Mayor

Attest:

Recorder

CITY OF UNION ORDINANCES

ORDINANCE NO. 548

An Ordinance Regulating Loud and Raucous Noise

Section

- 1 Purpose
- 2 Findings
- 3 Scope
- 4 Definitions
- 5 General Prohibition
- 6 Noises Prohibited
- 7 Exemptions
- 8 Enforcement
- 9 Penalties
- 10 Severability
- 11 Savings Clause
- 12 Effective Date

Section 1. Purpose. This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City of Union through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

Section 2. Findings. The City Council of Union finds:

A. Loud and raucous noise degrades the environment of the City of Union to a degree that:

- (1) is harmful to the health, welfare, and safety of its inhabitants and visitors;
- (2) interferes with the comfortable enjoyment of life and property;
- (3) interferes with the wellbeing, tranquility, and privacy of the home; and

B. Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City of Union inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, relaxation and communication.

C. The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City of Union.

D. Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City of Union.

E. The obligation to draft regulations that affect speech in a content-neutral fashion is of paramount importance to protect the freedom of expression guaranteed by Article I, section 8, of the Oregon Constitution and the First Amendment of the United States Constitution. This ordinance enacts narrowly drawn, content-neutral regulations that are to be interpreted as such so as not to infringe upon constitutionally protected rights.

Section 3. Scope. This Ordinance applies to the control of all sound originating within the jurisdictional limits of the City of Union.

Section 4. Definitions.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency Work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

City means the City of Union.

City Administrator means the City Manager of City of Union or the City Administrator's designee.

Noise Sensitive Area includes, but is not limited to, real property normally used for sleeping, or normally used as a school, church, hospital or public library

Person means any individual, firm, association, partnership, joint venture, or corporation.

Loud and Raucous Noise means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing exceeding 70db and 50 feet between 7 am and 9 pm or 60db 25 feet 9 pm to 7 am.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

Public space means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City of Union zoning ordinance.

Section 5. General Prohibition.

A. No person shall make, continue, or cause to be made or continued:

- (1) any unreasonably loud or raucous noise; or
- (2) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City of Union; or
- (3) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- (1) exceeds set db levels in the proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) the time of day or night the sound occurs;
- (4) the duration of the sound; and
- (5) whether the sound is recurrent, intermittent, or constant.

Section 6. Noises Prohibited. The following acts are declared to be violations of this Ordinance. This enumeration does not constitute an exclusive list:

A. Unreasonable Noises: Exceeds set db level in the unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

B. Vehicle Horns, Signaling Devices, and Similar Devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or

other vehicle on any right-of-way or in any public space of the City of Union, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

C. Non-Emergency Signaling Devices: Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, permitted solicitors or by the City of Union for traffic control purposes are exempt from the operation of this provision.

D. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2), below.

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 9:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.

E. Radios, Televisions, Boom Boxes, Phonographs, Stereos, Musical Instruments and Similar Devices: The use or operation of a radio, television, boom Box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is Loud and Raucous Noise to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible continually or more than 10 minutes in a hour period exceeding 70 dp at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is Loud and Raucous Noise to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

F. Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices: The unreasonably loud, raucous noise exceeding 60 db at 25 feet at property line use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 9:00 p.m. and 7:00

a.m. on weekdays, and 9:00 p.m. and 7:00 a.m. on weekends and holidays in the following areas:

(1) Within or adjacent to residential or noise-sensitive areas;

(2) Within public space if the sound is Loud and Raucous Noise across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous. This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City of Union.

G. Yelling, Shouting, and Similar Activities: Continually yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 9:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.

H. Animals and Birds: Unreasonably loud, barking and howling for 10 minutes out of any one hour that is reoccurring and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

J. Residential Maintenance, and or Repair of Home on Weekends or Afterhours: *The maintenance or repair of a residential home on the weekends or afterhours other than between the hours of 7 a.m. to 9 pm on weekends and 7:00 - a.m. and 9:00 p.m. on weekdays. In cases of emergency, maintenance or repair noises are exempt from this provision.*

K. Construction or Repair of Buildings, Excavation of Streets and Highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 - a.m. and 9:00 p.m., on weekdays.

L. Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, and Similar Institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.

M. Blowers, and Similar Devices: In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.

N. Commercial Establishments Adjacent to Residential Property: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 9:00 p.m. and 7:00 a.m. which is Loud and Raucous Noise at a distance of ten feet from any residential property.

Section 7. Exemptions. Sounds caused by the following are exempt from the prohibitions set out in Section 6 and are in addition to the exemptions specifically set forth in Section 6:

- A. Motor vehicles on traffic ways of the City of Union, provided that the prohibition of Section 6.B continues to apply.
- B. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- C. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 6.D continues to apply.
- D. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- E. Repairs or excavations of bridges, streets or highways by or on behalf of the City, the State, or the federal government, between the hours of 9:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 9:00 p.m.
- F. **Outdoor School and Playground Activities.** Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- G. **Other Outdoor Events.** Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- H. **Land Use Zoning regulations commercial amusement** is intended for public and private organizational amusement, cultural or recreation use; typically included; civic centers, fairgrounds, rodeo arenas, golf courses, athletic fields or complexes, festivals and similar exhibitions.
- I. **Property Grounds Maintenance.** Lawnmower, leaf blower, weed eater, snow removal equipment, and domestic power equipment.

Section 8. Enforcement. The following individuals shall enforce this Ordinance: The City Administrator's or Police Chief will have primary responsibility for the enforcement of the noise regulations contained in this Ordinance. Nothing in this Ordinance shall prevent the City Administrator's or City Administrator's designee from obtaining voluntary compliance by way of warning, notice or education.

Section 9. Penalties.

A. A person who violates a provision of this Ordinance is guilty of an infraction which is punishable by a maximum fine set by Union's minimum fine schedule.

B. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

Section 10. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this Ordinance shall not affect the validity of the remaining parts to this Ordinance.

Section 11. Savings Clause. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance, shall be tried and determined exactly as if the Ordinance had not been repealed.

ADOPTED by _____ members of the Common Council voting therefore, and approved by the Mayor of the City of Union, this 9th day of November 2015.

Approved:

Attest

Ken McCormack, Mayor

Sandra Patterson, City Administrator/Recorder

CITY OF UNION ORDINANCE

ORDINANCE NO. 550

AN ORDINANCE VACATING TWELFTH STREET IN WEST CATHERINE MEADOWS SUBDIVISION CITY OF UNION, OREGON.

The City Council of the City of Union finds as follows:

1. On the 14th day of September the City Council initiated vacation proceedings for the Twelfth Street vacate. The street is approximately 453.55 feet long by 40 feet wide, 18,142 square feet.
2. It has been determined by the City Council the applicants have provided a well written application and there is full support for the vacation from the neighbors.
3. There are no City liens or taxes unpaid on the lands covered by the proposed vacation.
4. Notice was mailed to Union landowners per ORS 271.110 on July 28, 2015: Notice was posted at Union Library, City Hall and US Post Office. Notice was posted July 27, 2015 on a post near the center of the street at the south end and the north end of proposed street. At the applicants request the hearing scheduled for September 14, 2015 was tabled to October 14, 2015. Additional mailing was sent nearby residents with notification of date change and posting in three locations in the city. Additional notice outside all required notices was published in the City Newsletter a general circulation in Union on October 1, 2015. Union City Council held the first hearing on October 14, 2015. All postings were met required by Oregon State Statute 271.110.
5. The City Council held a public hearing on the vacation at 7 p.m. on the 14th of September 2015 at the Almquist Council Chambers, Union City Hall. Objections to the application were made by Dick Middleton on 10th Street in Union and Gary Graham on N. Main Street in Union. Council requested staff report, Patterson reported the city suggest the application be denied based on several city policies as outlined in the staff report. Testimony in favor was presented by the applicants Laura Haefer and Brenda Younce whom both expressed their need to have the land vacated, no evidence was presented.
6. Union City Council finds and declares that it is in the best interest of all citizens of the City of Union, Oregon that

- a. the said 18,142 square feet portion of Twelfth Street is to be divided equally north to south and given to property owners Michael and Laura Haefer and Brenda Younce. Property owners will be responsible for survey and recording fees.
- b. the said 18,142 square feet portion of Twelfth Street is to be sold to property owners Michael and Laura Haefer and Brenda Younce at fair market value. Proceeds will be deposited into the Street Fund.
- c. the said 18,142 square feet portion of Twelfth Street is to be recorded as a utility easement for future development. Property owners can continue to use the property but will not be able to build on it.
- d. the said 18,142 square feet portion of Twelfth Street is to be used as a pocket park.

The City of Union does ordain as follows:

Section 1. **Vacation.** North Twelfth Street approximately 453.55 feet long by 40 feet wide, 18,142 square feet, North of West Birth, between North Eleventh and Thirteenth Streets is vacated.

Section 2. **Effective date.** This ordinance shall take effect 30 days following its second reading by the City Council and approval by Mayor McCormack

Adopted by _____ members of the Council voting therefore and approved by the Mayor of the City of Union this 9th day of November 2015.

CITY OF UNION

By _____
Ken McCormack, Mayor

Attest:

Sandra Patterson, Administrator/Recorder